

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua‘i Police Commission	Meeting Date	May 26, 2017
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:00 a.m.	End of Meeting: 9:45 a.m.
Present	Chair Mary K. Hertog; Members: Ms. Savita Agarwal, Kevin Mince, Roy Morita and Donald (Moki) Okami Sr. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Chief of Staff Paula Morikami; Office of the County Attorney: Deputy County Attorney Peter Morimoto; Police Department: Chief of Police Darryl Perry, Deputy Chief of Police Michael Contrades, Assistant Chiefs Roy Asher and Robert Gausephol, Captain Paul Applegate, Sergeant Colin Nesbitt and Officer of the Month Brad Candido.			
Excused	Vice Chair Gerald (Chip) Bahouth and Commissioner Catherine Adams			
Absent				
SUBJECT	DISCUSSION			ACTION
Call To Order				Chair Hertog called the meeting to order at 9:00 a.m. with five (5) Commissioners present constituting a quorum. Both Vice Chair Bahouth and Ms. Adams were excused from the meeting.
Testimony	There was none.			
Chair’s Comments	Chair Hertog stated she received good feedback from the conference attendees and thanked the Kaua‘i Police Department and the Commissioners for their help in making the conference a success. She explained that during the breakout session, some of the Commissioners asked if they could copies of the Chief’s new job description, Annual Performance Evaluation and Feedback forms, as well as a copy of the Commission’s revised rules once it’s officially adopted by the Commissioners. Another issue she mentioned that was also part of the discussion was to amend the Kaua‘i County Charter to reflect the Intermediate Court of Appeals ruling that gives the Police Commission the power to discipline the Chief of Police. With no further comments, Chair Hertog moved on to the Officer of the Month recognition.			Mercedes will be providing the documents to the Commissions secretaries.

SUBJECT	DISCUSSION	ACTION
Officer of the Month Recognition	<p>Officer of the Month Brad Candido was honored for his exemplary investigative skills that led to the arrest of a suspected drug dealer which subsequently put an end to drug trafficking of illicit drugs to Kaua'i.</p> <p>Reading the recognition for Officer Candido was Sergeant Colin Nesbitt.</p> <p>During the month of March 2017, Officer Candido responded to a report of theft of mail from a mailbox. During his investigation, Officer Candido was able to determine that the package (which was stolen) was that of illegal narcotics, as well as identify and locate the suspect and his vehicle where he obtained a search warrant which subsequently led to a search of the suspect's vehicle where illegal drugs and money were recovered. It was later determined that the suspect was ordering and receiving packages of illicit and dangerous drugs utilizing the Dark Web website. Because of Officer Candido's thorough investigation, the Kaua'i Police Department Narcotics Vice Section, in collaboration with the US Postal Inspector and the Federal Drug Enforcement Agency, was able to arrest the suspect and put an end to drug trafficking of illicit and dangerous drugs being shipped to Kaua'i.</p> <p>Chief Perry presented Officer Candido with a framed certificate and a special departmental pin for his exemplary service to the community and showmanship of professionalism, not only for this case, but throughout his career in law enforcement.</p>	
Approval of Meeting Minutes	Regular Open Session Meeting Minutes of April 28, 2017.	Mr. Mince moved to approve the meeting minutes of April 28, 2017. Mr. Morita seconded the motion. The motion carried 5:0.
Chief's Monthly Reports for the period of April 2017	<ol style="list-style-type: none"> 1. Administrative & Technical Bureau Reports 2. Fiscal Report 3. Investigative Bureau Reports 4. Patrol Services Bureau 5. Community Oriented Policing Reports 	

SUBJECT	DISCUSSION	ACTION
	<p data-bbox="415 313 1052 345">6. Chief’s announcements and pertinent updates.</p> <p data-bbox="367 386 1499 456">Chair Hertog thanked Chief Perry and his staff for changing how the monthly reports are received to reflect only the relevant information without burdening the bureaus.</p> <p data-bbox="367 496 951 529"><u>Chief’s announcements and pertinent updates</u></p> <ul data-bbox="415 578 1577 1414" style="list-style-type: none"> • The 2017 State of Hawai‘i Conference was great and there were a lot of good dialogue, especially in respect to the issues that the Police Officers Union is dealing with. • Referred to a handout (copy of the handout will be emailed to the Commissioners) on civilian oversight. • Met with members of the Law Enforcement Coalition comprised of the state attorney general and his deputies, prosecutors from the different islands, as well as the police chiefs across the state. Crime Scene Specialist Stephanie Regan did a presentation on the ParaDNA which was well-received. Topic of discussion included security guards carrying firearms without county police authority; under administrative rules, an officer cannot carry a firearm for the sole purpose of being a security guard. • JPO Appreciation Day was held at the Kaua‘i Marriott Resort and Beach Club in Līhu‘e. • KPD’s last senior community meeting was held in Kīlauea. • Chief Perry thanked the Commissioners who attended the ceremony on May 16 to recognize the state’s fallen officers. • On April 29th, KPD participated in the Drug Take-Back Program. 196 pounds of prescription medications were collected. • KPD is looking for individuals to participate its upcoming Police Citizens Academy in June. • KPD is working with the Kaua‘i Prosecutor’s Office on its new Drug Nuisance Program. • Met with Ms. Stephanie Moore of the Coalition for Tobacco Free Kaua‘i. 	

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Business KPC 2017-08	<p><u>Discussion on feedback that was received during the Police Commissioners roundtable relating to creative financing for the recovery of costs for services provided by the Police Department.</u></p> <p>Mr. Mince briefed Chief Perry on the possibility of enabling legislation to help the counties get money from traffic citations for police officers’ training. He stated that the idea was presented to the Mayor and several Councilmembers that seeking legislation may help to enhance the police department’s budget because it would allow the counties to charge a fee for services, such as a DUI arrest and DUI involved crashes, any type of emergency service that requires a response, and a fee to stay in jail. The meeting also entailed a discussion on the sheriff’s department not reimbursing the County for services rendered.</p> <p>Chair Hertog stated with the exception of the Honolulu Police Commission who had some reservations about the idea but may support it, both Maui and Hawai‘i Island Commissioners have expressed their interest in supporting the idea, which is great. But according to Deputy County Attorney Peter Morimoto, it can’t be perceived as an additional fee-for-service type of thing and it has to be within the purview of the Police Commission. She related that the PIG is going to work on the legalities to see if there are other enabling legislation that can be done because according to County Attorney Mauna Trask, there must be enabling legislation and he’s willing to work with the Commission but he wanted to see if the other Commissions were on board before introducing the idea to our legislative officials.</p>	
Announcements	Next regular monthly meeting – Friday, June 23, 2017, 9:00 a.m. at the Mo’ikeha Building, Meeting Room 2A/2B. Executive Session to follow.	
Executive Session	<p>At 9:23 a.m. Mr. Mince cited the Hawai‘i Revised Statutes to bring the meeting into Executive Session.</p> <p>Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this</p>	

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ES KPC 2017-005	<p>Executive Session is for the Commission to review and discuss charges brought against an officer or employee of the County, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items:</p> <p><u>Chief Perry's monthly update on the status of the Department's disposition on formal notarized complaints that were filed with the Police Commission and forwarded to the Office of the Chief for further review. (On-going)</u></p>	
ES KPC 2017-006	<u>Briefing on any significant adverse incidents/events involving KPD personnel that could potentially impact the County, Commission and the Kaua'i Police Department. (On-going)</u>	
ES KPC 2017-014	<u>Pursuant to Hawai'i Revised Statutes §92-4 and §92-4 (a) and (4), the purpose of this Executive Session is to discuss the County of Kaua'i Grievances and Complaints Policy for Department Heads that can be removed by the County Boards and Commissions. This consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Kaua'i Police Commission as they may relate to this agenda item. (On-going)</u>	
ES KPC 2017-017	<u>Three communications dated May 11, 2017 from Chief of Police Darryl Perry to Chair Mary K. Hertog and Commission Members regarding the Department's final disposition for notarized complaints KPC 2015-013 also known as KPD ADM 2016-0222, KPC 2016-006A also known as KPD ADM 2016-0221, and KPC 2016-006B also known as KPD ADM 2016-0235.</u>	
ES KPC 2017-018	<u>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of April 28, 2017, and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</u>	Mr. Morita moved to enter into Executive Session. Ms. Agarwal seconded the motion. The motion carried

SUBJECT	DISCUSSION	ACTION
	Chair Hertog called for a motion to take the meeting into Executive Session.	5:0. At 9:26 a.m. the Commission entered into Executive Session.
Return to Open Session to Ratify the actions taken in Executive Session	At 9:45 a.m. the Commissioners reconvened in Open Session. Chair Hertog called for a motion to ratify the actions taken in Executive Session.	Ms. Agarwal moved to ratify the actions taken in Executive Session. Mr. Mince seconded the motion. The motion carried 5:0. ES KPC 2017-005: No report. On-going ES KPC 2016-006: Briefing by Chief of Police Darryl Perry. On-going. ES KPC 2017-014: Motion carried 5:0 to accept the three (3) communications dated May 11, 2017 from Police Chief Perry. ES KPC 2017-018: Motion carried 5:0 to approve the Executive Session meeting

SUBJECT	DISCUSSION	ACTION
		minutes of April 28, 2017.
Adjournment	Chair Hertog called for a motion to adjourn the meeting.	Mr. Mince moved to adjourn the meeting. Ms. Agarwal seconded the motion. The motion carried 5:0. At 9:45 a.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Approved by: _____
Mary K. Hertog, Chair

(x) Approved as circulated on June 30, 2017.

() Approved as amended. See minutes of _____ meeting.